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June 5, 2018

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VIA ECF

Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Qinghai Zeng v. The Parc Hotel, et al.*, 17 Civ. 07601 (ARR)(SMG)

Dear Judge Gold:

This firm represents defendant CLA Commercial Cleaning ("CLA") in the above-referenced matter. We write to respectfully request that the deadline by which CLA may respond to Plaintiff's First Amended Complaint (the "Amended Complaint") be extended from June 7, 2018 to June 21, 2018. This is CLA's first request for an extension of the answer deadline.¹ Plaintiff's counsel consents to this request.

On May 18, 2018, District Judge Nathan held a pre-motion teleconference to discuss Defendant The Parc Hotel's (the "Parc Hotel") request to file a dismissal motion in connection with the original complaint in this matter. During that teleconference, Judge Nathan set a deadline for Plaintiff to amend the complaint in order to address certain deficiencies in the pleading, and set motion cycle deadlines for the Parc Hotel's anticipated motion to dismiss the Amended Complaint. In so doing, Judge Nathan noted that CLA was in the unique position of both opposing the complaint and also potentially opposing the Parc Hotel's attempt to avoid joint employer responsibility for allegations brought by Plaintiff. In recognition of this unique posture, Judge Nathan also accounted for CLA's potential opposition to the Parc Hotel's anticipated dismissal motion.

On May 24, 2018, Plaintiff filed the Amended Complaint. *See* Dkt. # 19. In an unexpected development, the Amended Complaint drops the Parc Hotel from the pleading entirely, rendering moot the briefing schedule discussed during Judge Nathan's May 18 teleconference. Notably, the Amended Complaint also fails to cure several of the deficiencies identified by Judge Nathan during the teleconference, and appears to continue to assert non-viable claims.

¹ CLA previously stipulated to waive service of the original complaint, which the Court endorsed. *See* Dkt. # 13.



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CLA's response to the Amended Complaint is currently due June 7, 2018. Given the significant changes in the Amended Complaint, however – including changes to the named parties themselves, thus eliminating the possibility of a previously-anticipated motion which would have triggered a materially different litigation schedule – CLA respectfully requests that the above-referenced deadline be changed to June 21, 2018 in order to assess and respond to the Amended Complaint. This additional time may also enable the parties to discuss an out-of-court resolution to this matter. This request does not affect any other deadlines in this matter, as the Court has set July 10, 2018 for an initial conference.

On behalf of Defendant CLA, we thank the Court for its consideration in this matter.

Sincerely,

/s/

Benjamin Stockman

cc: John Troy, Esq., *attorney for Plaintiff* (By ECF)
David Yan, Esq., *attorney for Defendant Parc Hotel* (By ECF)